
TITLE 312 NATURAL RESOURCES COMMISSION

Economic Impact Statement
LSA Document #06-262
(Administrative Cause No. 06-081D)

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**Estimated Number of Small Businesses Subject to This Rule:**

The Indiana Department of Natural Resources (DNR) estimates that no small businesses will be directly affected by any of the proposed rule changes. The DNR has the authority to promulgate rules in accordance with the requirements found in [IC 4-22-2-23](#) and [IC 14-22-2-6](#).

There are no direct or indirect benefits on small businesses as a result of this rule package. There are no compliance costs and no administrative expenses for small businesses.

One rule ([312 IAC 9-7-2](#)) simply allows another method for taking fish (bowfishing) day or night at eight large stream reaches and prohibits the use of the pitchfork as a legal piece of equipment to take fish. No costs to businesses are associated with the proposed changes for bass taken in Delaney Park Lake, J.C. Murphey Lake, or Dove Hollow Lake ([312 IAC 9-7-6](#)). The proposed changes for the Blue River and Sugar Creek ([312 IAC 9-7-6](#)) again only affect anglers who fish for bass in those streams by limiting the size and number of bass that can be taken and does not affect any small businesses.

Additional rule changes specific for J.C. Murphey Lake at Willow Slough FWA in Newton County ([312 IAC 9-7-6](#) and [9-7-13](#)) simply add additional restrictions for bluegill, redear, crappie, and bass taken there. Again, these proposals only apply to anglers who fish this lake and not to small businesses.

Another proposed change ([312 IAC 9-7-13](#)) establishes a "catch and release only" season for inland trout from January 1 through April 14 on streams only. This period is essentially the current closed season (and unnecessary for resource protection purposes) and would encourage fishing participation while protecting brown trout stocked by trout clubs. The proposed changes for trout also establish a brown trout bag limit of one fish (out of the daily bag limit of five trout) statewide with the exception of three named stream segments in Elkhart County where a "catch-and-release only" designation would be established ([312 IAC 9-7-13](#)). These same segments would also be designated artificial lures or flies only. Again, these changes only affect anglers who fish for trout in these inland streams. Redefine areas closed to fishing as April 15 (instead of April 20) to the last Saturday in April and add nine streams to this list. These are the streams that receive most of the rainbow trout stocked by DNR for opening day, and the closures will protect the stocked fish and allow time to complete the stockings prior to opening day. Adjust the starting time on opening day of stream trout season from 5:00 a.m. to 6:00 a.m. to compensate for the shift to daylight savings time. This will maintain the intentional effort to start the season about one hour before daylight.

The DNR is also proposing to define an open season (October 1 through May 31) for commercial harvest of shovelnose sturgeon on the Ohio River ([312 IAC 9-8-6](#)) and in other public waters ([312 IAC 9-8-2](#)), as well as establish a 25" minimum fork length size limit on shovelnose sturgeon that can be taken for both sport and commercial fishing. Additional rule changes are made to define the species of shovelnose sturgeon by scientific name and define "fork length" for the measurement of shovelnose sturgeon to clarify how shovelnose sturgeon should be measured since the tail fin is lobed and the measurement must be taken at the fork of the tail.

Shovelnose sturgeon are a slow growing, late maturing fish species that have the potential to suffer significant and perhaps unrecoverable population declines if harvest remains unregulated. Populations have been lost in other states and harvest is expected to continue to escalate with increasing demand for shovelnose sturgeon eggs (caviar). There are no Indiana businesses known to sell shovelnose sturgeon or caviar from shovelnose sturgeon. Almost all commercial fishermen in Indiana harvest catfish and buffalo; only one harvest report was received this year from a commercial fisherman indicating that 12 shovelnose sturgeon have been harvested this year under a commercial fishing license. Most anglers want larger shovelnose sturgeon since a larger-sized fish will produce more eggs, which is the primary reason for taking the sturgeon. In the same rule is an update to the name of Uniontown Dam to "John T. Myers Dam" and a correction to the description of the area downstream of this dam that is closed to fishing by stating "downstream to (not of) the outer lock wall. . .".

Estimated Average Annual Administrative Costs That Small Businesses Will Incur:

The DNR estimates that there will be no administrative costs to small businesses as a result of compliance with these rules. None of the rules affect small businesses. Regarding the rule change that limits that taking of shovelnose sturgeon by commercial fishermen, there are no Indiana businesses known to sell shovelnose sturgeon or caviar from shovelnose sturgeon.

Estimated Total Annual Economic Impact on Small Businesses:

The DNR estimates that there will be no impact on small businesses as a result of compliance with these rules. These rule proposals only affect individual anglers who fish in public waters in Indiana.

- Justification of Requirements of Costs on Small Businesses Where Rule Is Not Expressly Required by Law: There are no economic impacts on small businesses as a result of compliance with these rules. There are no Indiana businesses known to sell shovelnose sturgeon or caviar from shovelnose sturgeon. Almost all commercial fishermen in Indiana harvest catfish and buffalo; only one harvest report was received this year from a commercial fisherman indicating that 12 shovelnose sturgeon have been harvested this year under a commercial fishing license.
- Supporting Data, Studies or Analyses: Harvest reports from commercial fishermen who have Indiana commercial fishing licenses and communication with commercial fishermen were the basis for determining that there are no economic impacts as a result of the proposed new rules for shovelnose sturgeon.

Regulatory Flexibility Analysis of Alternative Methods:

There are no alternatives proposed by the DNR since there are no impacts on small businesses. The DNR did not rely on any studies in its decision not to employ alternatives to these proposed rules.

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